

Notice of Allowability

Application No.

09/955,668

Examiner

Wesley A. Nicolas

Applicant(s)

SATO ET AL.

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/22/04.
2. ☒ The allowed claim(s) is/are 1-49.
3. ☒ The drawings filed on 19 September 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This is in response to the Applicant's amendment submitted April 22, 2004. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-49 are currently pending in this application.

Specification

1. The objection to the title as set forth in the previous Office action has been **withdrawn** in view of the amendment to the title filed by the Applicant in the paper submitted April 22, 2004.

Election/Restriction

2. Cancellation of non-elected claims 50-91 by Applicant has been noted. Applicant may re-file said claims in a divisional application.

Claim Rejections - 35 USC § 103

3. The 35 U.S.C. § 103 rejections as set forth in the previous Office action have been **withdrawn** in view of the amendment and convincing argument submitted by Applicant on April 22, 2004.

Allowable Subject Matter

4. Claims 1-49 are allowed over the prior art of record.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the specific polishing method which includes:

- measuring data corresponding to a thickness of the film on an object; and
- wherein an electric current, voltage or resistance measurement associated with the electrolytic polishing is used to determine when a target amount has been removed; and
- moving the cathode member to another region of the surface and electrolytically polishing the film in that other region until removing the target amount of film to flatten the film is repeated over the entire surface, to thereby remove the target amount of film over the entire surface was not taught or suggested by the prior art of record.

Regarding claim 24, the specific polishing method which includes:

- interposing an electrolytic solution including a chelating agent at least between that region of the surface and the cathode member, and
- in that state applying a voltage with the cathode member serving as a cathode and the film as an anode to oxidize the surface of the film by anodic oxidation and form a chelate film of the oxidized material; and

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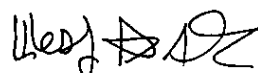
- selectively removing a projecting portion of the chelate film corresponding to unevenness of the film to expose the film of the projecting portion at the surface; and moving the cathode member from one region to an other region of the surface, and repeating the chelate film forming step, and the chelate film removing step until removing the target amount of the film determined from the thickness equivalent data over the entire surface to flatten the entire surface was not taught or suggested by the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley Nicolas whose telephone number is (571) 272-1247. The examiner can normally be reached on Mon.-Thurs. from 7 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached at (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wesley A. Nicolas
Primary Examiner

June 13, 2004